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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,065	08/09/2001	Kelly A. Buttridge	0719.012	4308

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EXAMINER

AKINTOLA, OLABODE

ART UNIT PAPER NUMBER

3624

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/927,065	BUTTRIDGE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Olabode Akintola	3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/27/02; 2/3/03</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, it is not clear how the receiving steps “enable” the check processing as recited in the preamble.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Fernando et al (USPN 6193152) (Fernando).

Re claim 9, 12, 13, 14: Fernando teaches a method for enabling check processing using a blank check, the method comprising: receiving a transaction amount, checking account information

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from a blank check, and biometric information from an owner of the checking account (col. 13, lines 35-54; Fig. 1, RN {210})

Re claim 10: Fernando teaches the step of receiving the biometric information comprises receiving an electronic image of a handwritten signature, separate from the blank check, from an owner of the checking account (Fig. 1, RN {70}).

Re claim 11: Fernando teaches the step of receiving the biometric information comprises at least one of receiving information regarding a fingerprint of an owner of the checking account, information regarding a retina or an iris of the customer, an image of a face of the customer, a voice print of the customer, and a personal identification number along with the rate of typing and intervals for entry of the personal identification number (Fig. 1, RN {210})

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernando in view of Yamaguchi et al (USPN 5577242) (Yamaguchi).

Re claim 15: Fernando teaches the limitations of claim 15 but does not explicitly teach the step of transferring as a batch the plurality of transaction amounts, the plurality of checking account information, and plurality of biometric information to a warehouse data storage unit. Yamaguchi teaches the step of transferring as a batch one or more files; each files comprising a plurality of data (col. 10, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fernando to include this step as taught by Yamaguchi. One would have been motivated to do so in order to secure the data for later retrieval.

Claims 1-7, 16-21 and 23-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernando in view of Preiser et al (USPAPN 20020040344) (Preiser).

Re claims 1, 5-7, 16 and 19-21: Fernando teaches a method for enabling check processing using a blank check, the method comprising: receiving a transaction amount, checking account information from a blank check, and biometric information from an owner of the checking account; generating an electronic check posting transaction request from the transaction amount and the checking account information; and forwarding the electronic check posting transaction request for settlement (col. 13, lines 35-54; Fig. 1, RN {210}).

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Fernando does not explicitly teach an electronic image of a face of the blank check. Preiser teaches an electronic image of a face of a check (section [0020]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fernando to include this step as taught by Preiser. One would have been motivated to do so in order to store the image of the blank check for later retrieval.

Re claim 2: Fernando teaches the step of receiving biometric information from an owner of the checking account (Fig. 1, RN {210}).

Re claims 3 and 17: Fernando teaches the step of receiving an electronic image of a handwritten signature from an owner of the checking account (Fig. 1, RN {70}).

Re claims 4 and 18: Fernando teaches the step comprising at least one of receiving information regarding a fingerprint of an owner of the checking account, information regarding a retina or an iris of the customer, an image of a face of the customer, a voice print of the customer, and a personal identification number (Fig. 1, RN {210}).

Re claims 23, 26, 28-29, 31, 34, 36-37, 39, 40, 43-46, 49-50 and 52-59: Fernando teaches method for enabling check processing using a blank check at a point-of-sale, the method comprising: receiving at the point-of-sale a blank check from a customer at the point-of-sale; receiving at the point-of-sale a transaction amount, checking account information from a blank check, and biometric information from the customer; storing the transaction amount, the

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checking account information, and the biometric information; printing indicia on the face of the blank check to void the blank check; and returning the voided blank check to the customer; generating an electronic check posting transaction request from the transaction amount, and the checking account information; and forwarding the electronic check posting transaction request for settlement (col. 13, lines 35-60; Fig. 1, RN {210}).

Fernando does not explicitly teach an electronic image of a face of the blank check. Preiser teaches an electronic image of a face of a check (section [0020]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fernando to include this step as taught by Preiser. One would have been motivated to do so in order to store the image of the blank check for later retrieval.

Re claims 24, 32, 41, 47 and 51: Fernando teaches the step of receiving the biometric information comprises receiving an electronic image of a handwritten signature from the customer (Fig. 1, RN {70}).

Re claims 25, 27, 33, 35, 42 and 48: Fernando teaches the step of receiving the biometric information comprises at least one of receiving information regarding a fingerprint of an owner of the checking account, information regarding a retina or an iris of the customer, an image of a face of the customer, a voice print of the customer, and a personal identification number (Fig. 1, RN {210}).

Re claims 30 and 38: Fernando does not explicitly teach the step comprising determining the check cashing privileges of the customer. Preiser teaches the step comprising determining the

check cashing privileges of the customer (section [0024]-[0025]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fernando to include this step as taught by Preiser. One would have been motivated to do so in order to avoid bad/fraudulent checks based on check-cashing history of the customer.

Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernando in view of Preiser and further in view of Yamaguchi et al (USPN 5577242) (Yamaguchi).

Re claims 8 and 22: Fernando and Preiser teach the limitations of claims 8 and 22 but do not explicitly teach the step of transferring as a batch the plurality of transaction amounts, the plurality of checking account information, and plurality of electronic images of the faces of the blank checks to a warehouse data storage unit. Yamaguchi teaches the step of transferring as a batch one or more files; each files comprising a plurality of data (col. 10, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fernando to include this step as taught by Yamaguchi. One would have been motivated to do so in order to secure the data for later retrieval.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

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